

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the remark filed on February 17<sup>th</sup>, 2009.

### ***Response to Arguments***

2. Applicant's arguments see Page 2 - 4, filed February 17<sup>th</sup>, 2009, with respect to claims 1 - 11 have been fully considered and are persuasive. The rejection of claims 1 - 11 has been withdrawn.

### ***Allowable Subject Matter***

3. Claims 1 - 11 are allowed.
4. The following is an examiner's statement of reasons for allowance: Claims 1 - 11 are allowable with respect to a method for using automatic transmission having on coming and off going clutch, where determining when the oncoming clutch gained the torque capacity using the first derivative and where the first derivative is determined with respect to time of a portion of the off going clutch command. The prior art reference, Minowa et al ( US Pat No 6243637 ) shows oncoming and off going clutch but does not show the clutch gained torque capacity using the first derivative. However, the secondary reference, Narita (US Pat No 5241577) only shows first derivative of time with respect to gear ratio and does not show the clutch gained torque capacity using the first derivative.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian Jen whose telephone number is 571-270-3274. The examiner can normally be reached on Monday - Friday 8:00-5:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/808,081  
Art Unit: 3664

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